
Appeal Decision

Site visit made on 30 April 2014

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2014

Appeal Ref: APP/R3325/A/13/2209502

Land at Tengore Lane, Langport, Somerset, TA10 9JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by TGC Renewables against the decision of South Somerset District Council.
 - The application Ref: 13/03053/FUL, dated 25 July 2013, was refused by notice dated 25 October 2013.
 - The development proposed is solar PV development including ground based racking systems, mounted solar panels, power inverter stations, substation, deer/security fencing and associated access gates and CCTV/security cameras mounted on freestanding support poles.
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Decision

1. The appeal is allowed and planning permission is granted for solar pv development as described above on land at Tengore Lane, Langport, Somerset, TA10 9JL in accordance with the terms of the application, Ref: 13/03053/FUL, dated 25 July 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site design (dated 24-07-2013); 2V Racking System Rev2 (02/07/2012); Security fence (TGC/PV001 Rev A2); Double gates (TGC/PV002 Rev A1); Inverter cabin (TGC/PV003 Rev A2); Comms building (TGC/PV009/01 Rev A1); Switchgear housing (TGC/PV010 Rev A3); Schneider switchgear (GSC0015-01).
 - 3) The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.
 - 4) Prior to commencement of the development hereby permitted the colour scheme for fencing and buildings shall be submitted to and agreed in writing by the Local Planning Authority and the buildings and fences shall

- thereafter be constructed and retained in accordance with the agreed scheme.
- 5) Prior to commencement of the development hereby permitted a Landscape and Ecological Management Plan for the site shall be submitted to and agreed in writing by the Local Planning Authority. Particulars shall include: a) a site and vegetation management proposal, b) confirmation of any proposal to grass-seed the land and its intended management; c) a detailed planting plan, including the retention of existing hedgerows, and implementation timed to correspond with the timing of the array's construction d) pre-construction survey for badgers.
 - 6) All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the land or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on site.
 - 8) The access shall be properly consolidated and surfaced (not loose stone or gravel), and drained over the first 5m of its length, so as to avoid any loose material or water from discharging onto the adjoining public highway.
 - 9) Before works commence on site, there shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The above area shall be kept clear of all obstructions above 900mm in height thereafter.
 - 10) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.
 - 11) Prior to commencement of the development hereby permitted and notwithstanding the details shown on drawing No TGC/PV004 "CCTV System" a scheme showing the number, height, location and colour of the CCTV system, cameras and poles shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV system shall thereafter be retained in accordance with the agreed scheme.
 - 12) Notwithstanding the details on any of the approved drawings the height of the solar panels, once installed shall be no more than 2.6m above natural ground level.

Main Issue

2. The impact of the proposal on the site of the battle of Langport having regard to its proximity and setting.

Reasons

3. The solar panels would cover 6.4ha of land on the ridge of Pitney Hill. The panels would be no more than 2.6m tall from the ground and surrounded by a green mesh fence 2.4m tall with security cameras on poles around the edge. There would be various buildings between 2m and 4.8m tall within the site. The tallest building is measured to the top of a pitched roof. The lower buildings are more utilitarian in design.
4. The sole reason for refusal is the impact on the registered battlefield, a designated heritage asset, and its archaeology. Policies EH9 and EH12 of the South Somerset local plan are the most relevant. EH9 does not permit development that would have an adverse effect on the historic or archaeological value of the Langport Battlefield. EH12 protects areas of high archaeological interest where there is good reason to believe there are remains of archaeological importance. Paragraph 132 of the Framework requires great weight to be given to the conservation of any designated heritage asset. Paragraph 134 requires that where there is less than substantial harm to the significance of a heritage asset that harm should be weighed against any public benefits of a proposal. The battlefield is registered and should be given a high level of protection.
5. A previous appeal for a larger site was refused in 2013. The Inspector considered the area was “quintessentially rural and the valley form clearly readable”. These qualities “add significantly to an understanding of the site” and were “important elements of its significance”. She went on to find that “significant parts of the western field of panels would be visible” and while the small visible area would have little impact when glimpsed by passers by, it would be clearly seen by walkers and would be “uncharacteristic of the landscape and in adversely affecting its setting, harmful to the significance of the Langport battlefield”¹.

Impact on the setting of the registered battlefield

6. There is no dispute the appeal site lies outside of the registered battlefield area and it seems clear to me the previous Inspector’s issue was with the western field, not the whole site, and it was the impact of the visibility of this element of the proposal that harmed the setting of the battlefield. This field has now been removed from the appeal site. I undertook an extensive tour of the battlefield and while the western field was indeed visible, especially when seen from across the valley on the ridge on the western side of the battlefield, the current appeal site was not. From further back, in a new housing estate towards Union Drove, the views were even more extensive and from here it was just possible to make out some green beyond the trees and hedgerows. It was not clear at this distance if this was the appeal site, but if it was, it was at most glimpsed through the hedges and was over 1km away. If the green was replaced by the black of the solar panels they would, at this distance, be hardly noticeable at all. The surrounding fence and security cameras would be even less noticeable. If the roof of the tallest building was visible it would only be the top of it, and would look from this distance no different from the many other roofs visible on houses and agricultural buildings in the area.

¹ All quotes taken from paragraphs 5-7 of R3325/A/12/2183185, issued 18 June 2013

7. From the eastern edge of the battlefield looking back up the hill towards the site, it would be mostly hidden, even today, by the contours of the ground and existing hedgerows and trees, which it is proposed to strengthen with more planting. There is no public access to this land, although I am mindful that this is not a significant factor as I must consider the impact upon the designated heritage asset.
8. It is quite clear to me the new reduced appeal site would not be visible to any significant extent to people walking the area and visiting the registered battlefield. The possible glimpses of it would be distant and have little if any impact on views. Any closer views are from private land and even then the site is well screened. The significance of the battlefield is not therefore harmed in any way.

The role of the site in the battle

9. The main thrust of objectors' arguments was that the battlefield itself has been too narrowly drawn and the appeal site is in the midst of the Parliamentary lines and thus seriously affects any appreciation of the battlefield.
10. A counter issue raised by the appellants is that the battlefield itself is uncertain. I am not convinced by this. A helpful booklet by Graham Edwards was written in 1995 and describes the site, the fighting and the historiography of the battle. I share the writer's view that the available evidence strongly suggests the battle took place on the official site.
11. The appeal site is only 130-150m from the edge of the registered battlefield on the summit of Pitney Hill. This is where the Parliamentary troops would have been drawn up prior to the battle taking place. It was argued that the plans showing the disposition of the Parliamentarians well forward of the appeal site is only the 'final charge' line and it is this reduced area that is covered by the registered battlefield. It is clear to me from the evidence, primarily from the 1995 booklet, that the Parliamentary army was strung out in depth across the now B3153 on the summit of Pitney Hill. The sketch plan in the booklet shows the appeal site to have been somewhere in the midst of the left flank of these forces. Although this is conjectural, an army of some 10,000 infantry and cavalry is bound to take up a large area of land. The main battle focussed on the road down to the Wagg bridge (then a ford), directly in front of the appeal site, so it is highly likely the Parliamentarians were on or around the appeal site.
12. However, the actual battle would seem to have taken place in front of the site. The Parliamentary infantry forced the crossing of the Wagg Rhyne by charging down the road, which was the only passable way across the marshy valley. Having forced out the Royalist infantry, who retreated up the hill on the western side of the valley the Parliamentary cavalry charged along the road and uphill at their opponents. The charge, countercharge by the Royalists and their final rout all took place on the slopes on the far side of the Wagg from the appeal site.
13. In conclusion therefore, it seems to me the appeal site is quite likely to have been the site of part of the Parliamentary forces before the battle, but the actual fighting took place away from the appeal site. I do not think the significance of the battlefield itself or the understanding of the unfolding events

is affected because one part of the possible Parliamentary lines, that is very difficult to see from public view points, would have solar panels placed on it.

14. I note that English Heritage are undertaking a review of registered battlefields and that Langport has been identified as one site in most need of revision. This work would involve a reassessment of the history, description and boundary of the site. I have no date for this review and no suggestion as to what effect, if any, it would have on the appeal site. At present it is pure speculation that it might lead to the battlefield being extended to cover the site. I am also aware that the proposal is not for permanent development so that even if the battlefield were to be extended to cover the site there would be no long term impact.

Archaeology

15. Even if the Parliamentary forces were not drawn up on the appeal site, it is close to the battlefield and is highly likely to have some archaeological remains. The Council accept that most of these are likely to form near surface deposits of metalwork such as musket and cannonballs which would allow indirect evidence to be adduced as to the location of troops. There is also a suggestion of the possible presence of an enclosure.
16. The panels would be mounted on legs driven into the ground, which would cause some disturbance to the ground, as would the construction of the various buildings and to a lesser extent the fence and camera poles. Nevertheless the disturbance would not be great as most of the surface area of the two fields would be untouched. I also note the Council have not suggested an archaeological condition.

Benefits

17. About 3mw of electricity would be generated by the proposal, enough to power 840 homes, which is 60% of Langport or 0.35% of Somerset's electrical demand. It is the equivalent of a single large wind turbine and this would represent an important contribution to renewable energy supply.

Conclusions

18. The revised site is no longer visible to any significant extent in views that encompass the registered battlefield. It is quite likely that the Parliamentary forces deployed across the site at some stage prior to the battle, but it would not seem that the fighting took place on or close to the site. Indeed the focus of the battle would seem to have been the road down to and across the Wagg Rhyne and on the opposite slopes. There would be some disturbance to any possible archaeological remains, but this would be relatively minor. There are significant benefits in terms of renewable energy supply.
19. I do not consider the proposal in its reduced form would hinder in any way the appreciation or consideration of the battle and the significance of the registered battlefield is not affected. The setting of the battlefield is also unaffected especially as the site would be well screened and has little visibility even from fairly nearby on the eastern side of the valley. The possibility of minor harm to the archaeology of the site is outweighed by the benefits of the provision of renewable energy. Consequently the proposal is not in conflict with policies EH9 and EH12 or with paragraph 134 of the Framework.

Conditions

20. Conditions are suggested by the Council to ensure the panels are removed after 25 years, to agree the colour of the fencing and buildings, to ensure there is no external lighting and for an ecological and landscape scheme to be agreed, which are all reasonable and necessary. The appellant also offered a condition to ensure the panels are no more than 2.6m above ground level, which is important to ensure they remain screened by the boundary treatments. Three conditions were also suggested by the County Council to cover the access and visibility splays which are also needed.
21. The plan I have for the camera pole shows a 4m pole, but this is an indicative image. On site it was evident that the Council's description of the CCTV pole plan in their suggested plans condition is not the same as the plan that I have. In view of this uncertainty I shall require details of the CCTV cameras and poles to be agreed with the Council before they are installed.

Simon Hand

Inspector